

Meeting of 1998-3-10 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MARCH 10, 1998 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:  
Presiding Gil Schumpert, City Manager  
John Vincent, Senior Assistant City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by law.

ROLL CALL

PRESENT: Jody Maples, Ward One  
Richard Williams, Ward Two  
Jeff Sadler, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Carol Green, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None.

Consider approval of Minutes of February 24, 1998, Lawton City Council Meeting

MOVED by Green, SECOND by Williams, to approve the minutes. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None. UNFINISHED BUSINESS: None.

BUSINESS ITEMS:

1. Hold a public hearing and adopt a resolution declaring the structures at locations listed below to be dilapidated and detrimental to the health and safety of the community; direct the razing and removal of those declared to be dilapidated and detrimental to the health and safety, and authorize the expenditure of CDBG funds, if necessary, to demolish these structures: #7 SW B Avenue; 2111-2111A-2111B SW B Avenue; 104-1/2 NW Bell; 811 SW E Avenue; 1816-1/2 SW E Avenue; 617 SW H Avenue; 608 SW Park; 1601 SW Summit; 1911 SW Washington; 806 SW 4th Street; 208-210 SW 16th St. Exhibits: Resolution No. 98-\_\_\_\_.

Shanklin said Council passed an ordinance that had nothing to do with dilapidated buildings but dealt with structures not having utility service for a year, and those would have to be brought to code or put on the demolition list. He said a dilapidated building may be completely different from a structure which has not had utilities, yet they are intertwined. Shanklin said some of the buildings presented for consideration do not represent what he felt Council had approved. Discussion was held on the differences between structures which have not had utilities for a year and those that are dilapidated.

#7 SW B Avenue

Dennis Woommavovah, Zoning Administrator, presented video of this mobile home structure and stated it has not had a permit since 1995. Odessa Davis, owner, was sent a letter asking for permission to inspect and has made no contact. The mobile home has several broken windows, deterioration of the skirting, and the owner has not attempted to contact the City. Green said the owner is deceased and the lady who lived in the trailer also passed away. Williams encouraged Council to take appropriate action on all items on the agenda tonight to have the City cleaned up.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Maples, to approve Resolution No. 98-31. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-31

A RESOLUTION DETERMINING A CERTAIN MOBILE HOME STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURE BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID STRUCTURE BE DEMOLISHED AND REMOVED.

2111-2111A-2111B SW B Avenue

Woommavovah said a letter was mailed to Ray C. Smith, property owner, on October 10, 1997 and he has not made contact. Video of the property was presented; there are no utility connections. Property contains three structures; the two rear structures are used for storage and are deteriorating as badly as the main structure. Purcell asked if the owner had responded and Woommavovah said no. Beller asked if letters are sent certified mail, return receipt requested, where the owner must acknowledge receipt. Woommavovah said the letters require only proof of mailing and a notice is also posted on the property.

PUBLIC HEARING OPENED.

Keith Hanson said his father-in-law was the property owner and he passed away in 1996. He said he had visited with Manny Cruz of the City two or three times and had appeared at a court hearing regarding the property. He said his father-in-law was basically illiterate and others had to read his mail to him. Hanson said the first contact he and his wife had in this regard was a court hearing with criminal charges, and Judge Harris dismissed it and sent him to visit with Mr. Cruz that particular day. He said he went to Cruz's office and asked him what they had to do to the property to make it where it was not a problem and he said clean up the trash and board up the broken windows, and they did that. Hanson said they have kept it mowed, there are five or six efficiency homes in the immediate area and that they are continually hauling off trash that has been piled over the fence.

Hanson said a couple of the buildings need to be torn down, it has not been through probate and they do not have the money to tear them down on their own, but it is not just an abandoned property where the situation is being ignored. He said three separate times he had talked with Mr. Cruz and asked him to meet him at the property and point out specific things he could do to make it acceptable; three times Hanson went to the property at the appointed time and Cruz was not there. Two times Cruz had left a note that he had already been there, and the following time he found a note the next day, so three times he made a trip from his home in the country specifically to meet with Cruz to try to resolve the problem and people are generally expected to keep their appointments. He said they had heard no more until they received this notice, and this is the only piece of certified mail they had ever received and they turned in a change of address the week his father-in-law died.

Hanson said he agreed the properties needed attention and items are stored in the two apartments in the back and the items should be removed and the buildings torn down or fixed. He said the house is no different from the day his father-in-law left it with the exception of the utilities being turned off. Hanson said the buildings have been slowly deteriorating over the past 15 years and he wanted to get it straightened out. He said he did not want to lose the property to demolition because it was left to his wife and her brother by their father.

Shanklin asked Hanson if he felt he could repair the properties and said he would have six months if they are placed on demolition. Hanson asked if he would automatically have 15 days to get a permit and Mayor Marley said yes. Williams asked Hanson when he appeared before Judge Harris; Hanson responded May 27, 1997. Hanson said some of the stored items had value and some should be thrown out but that it would be much cheaper for him to do that instead of contracting that work out. He said if the costs are applied as a lien, it would eat up the value of the property quickly.

Purcell said Hanson would have 15 days to get a permit to tear it down or remodel it; a remodel permit allows 180 days to bring the property to code; a demolition permit allows 30 days for the owner to remove the items for salvage and demolish the structure. Hanson said at one time he spoke to Mr. Cruz about remodeling part of it and demolishing part of it, and at that point, Cruz told him they could work something out. Hanson said after that, the way the last notice reads, it does not mention a 15 day period, then there was a discussion where Cruz said he thought they should all be torn down; he asked who would determine which should be demolished and which could be restored. Mayor Marley said that would be up to Mr. Hanson. Hanson asked if he could get a demolition permit and a remodeling permit at the same time and Mayor Marley said that could certainly be worked out with Code Administration. Warren said when the permit is issued, Code Administration would tell Hanson what needed to be done to all the structures to bring them up to code, and after that, Hanson could decide whether he wanted to tear any of them down or repair them.

Mayor Marley said for clarification, Mr. Hanson was speaking of the Mr. Cruz that works in Code Administration,

rather than the Mr. Cruz who serves as the City Attorney

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Warren, for approval of Resolution No. 98-32. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-32

A RESOLUTION DETERMINING CERTAIN STRUCTURES TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

104-1/2 NW BELL

Woommavovah said Ida Bates, property owner, was sent a letter on October 25, 1997. Ms. Bates acknowledged the letter and stated she did not have a key to the property so staff was unable to gain entry to inspect. Video was shown. He said Ms. Bates applied for a demolition permit yesterday and it is being reviewed for issuance. Schumpert said without the resolution, if the owner does not act, the property would have to be returned to Council. Shanklin asked if the properties had to be returned after the 15 days and Schumpert said no. Shanklin asked about funding. Schumpert said CDBG funds would be used if necessary, and if funds were depleted, an item would be returned for Council approval for funding. Shanklin asked if CDBG funds were for certain targeted areas and Schumpert said yes.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Green, to adopt Resolution No. 98-33. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-33

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

811 SW E AVENUE

Woommavovah said Theodore Bishop, property owner, was sent a letter July 24, 1997; Mr. Bishop responded and staff inspected the property and provided a list of items required to make the structure habitable. Mr. Bishop has asked that he be allowed to move the structure outside the Lawton City limits but no further contact has been made. Video was shown.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Maples, that Resolution No. 98-34 be approved. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-34

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

1816-1/2 SW E AVENUE

Woommavovah said Chung Graham, property owner, was mailed a letter on August 15, 1997; property is vacant and unsecured. Video of the property was shown.

PUBLIC HEARING OPENED.

Steve Newcombe, attorney for Ms. Graham, said that Ms. Graham had indicated she wished to obtain a permit to remodel and that would be obtained and the remodeling completed in 180 days.

PUBLIC HEARING CLOSED.

MOVED by Purcell, SECOND by Williams, for approval of Resolution No. 98-35. AYE: Purcell, Shanklin, Beller, Green,

Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-35

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

617 SW H AVENUE

Woommavovah said Leonelle Sumrall, property owner, was mailed a letter July 28, 1997, and staff has not had access to the property, which has several broken windows, a rotten floor, and sagging roof; a portion of the rear has no foundation. Video was shown. Beller asked if there was something laying on the roof and Woommavovah said it is a tree. Shanklin said he was in the structure this afternoon and asked if staff considered it dilapidated or in the category of a structure without utilities. Woommavovah said he would consider it to be in both categories.

Shanklin said the structure has electricity and water, and in May 1997, the owner was given a list of repairs to make by Building Development; one was to repair and replace the front roof and support. He asked that the video be shown of the work which had been done, as well as repair or replace the rear room roof, which can be seen only from the alley. Shanklin said the work was done and approved but it is now back for demolition. He said the building is used and there are saws and equipment in it. Shanklin said 175 feet away is a situation similar to that at 14th and I Avenue. Purcell said the roof had a tree on it and Shanklin said it fell onto it recently from the neighbors yard. Green asked when the tree got onto the roof and Shanklin said he did not know.

PUBLIC HEARING OPENED.

Louis Sumrall, property owner, said he received a letter to repair or replace the front porch and support, which he did; and repair or replace the rear room roof, which has been done; and repair or replace the eve and trim on the rear roof, which has been done. He said that was all the inspector asked him to do at that time, and the inspector came by while he was doing the work, and they also painted the property within the last six months. Sumrall said he appeared at the Council meeting on October 16, and there was discussion of A, B and C properties, or certain classifications, but this property was placed in the category to be monitored so he did not speak. He said the house had not changed since October 16 and he is there every day and thought it was taken care of.

Shanklin asked when the property would be brought to code. Sumrall said he was not aware he had to do anything to it until he received the last letter because it was put on the group to be monitored and it was being used to work out of right now. Shanklin asked if he could do it within six months and Sumrall said yes.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Green, to approve Resolution No. 98-36. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-36

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED

608 SW PARK

Woommavovah said the property is owned by Robert Bishop and Brian Morris, who were mailed a letter on August 25, 1997. A permit was issued on March 6, 1998, but the notice had already been mailed that it would be on the agenda. Purcell said a resolution was still needed in case the work was not completed.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Maples, for approval of Resolution No. 98-37. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-37

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

## 1601 SW SUMMIT

Woommavovah said the owner is the estate of Jimmy Ray Cann; letter was mailed September 12, 1997 and no response was received. The property has had no utilities for what appears to be six to ten years. Video was shown.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Purcell, for approval of Resolution No. 98-38. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-38

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

## 1911 SW WASHINGTON

Woommavovah said property owners are Fred, Bobby and David Burch. Letter was sent August 12, 1997; owners called today stating they would be in to obtain a demolition permit. Video was shown.

PUBLIC HEARING OPENED. No one appeared to speak. PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Purcell, to approve Resolution No. 98-39. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-39

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

## 806 SW 4TH STREET

Woommavovah said J. C. Swallow, property owner, was sent a letter November 17, 1997, and he contacted the office on November 25 stating he intended to remodel the property in the spring of 1998. Staff response was they would wait until March or April to bring it before Council. Video was shown. Mayor Marley asked if the mortgage holders are also contacted and Woommavovah said yes. Williams asked how many units were in the structure and Woommavovah said four. Green said it was a doctors office years back.

PUBLIC HEARING OPENED.

J. C. Swallow said he planned to come in for a building permit. Mayor Marley asked that Swallow contact Code Administration and explained the time constraints involved.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Purcell, to adopt Resolution No. 98-40. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 98-40

A RESOLUTION DETERMINING A CERTAIN MAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THAT SAID STRUCTURES BE BROUGHT UP TO THE CITY'S BUILDING CODE STANDARD OR THAT SAID BUILDINGS BE DEMOLISHED AND REMOVED.

## 208-210 SW 16TH STREET

Woommavovah said property owners are J.R. Bostick and Verna Bostick; notice was sent November 17, 1997. Ms. Bosticks daughter sent a letter from Eugene, Oregon, indicating she realized both structures needed to be removed but requested a three month delay in the public hearing so she could make arrangements to have it demolished and for the items stored in the property to be removed. He said she had planned to be here the first week of March but that her plans had changed.

Purcell asked when the daughters letter was received. Woommavovah said the staffs letter was sent to the mother, who is in a rest home in Arizona, but the letter was sent to the last known address. Woommavovah said the letter

was received from the daughter on March 5. Mayor Marley said the lady had also sent him a letter explaining her mother was in an assisted living home and requesting the delay to remove her mothers property from the buildings and that she would have it destroyed.

MOVED by Shanklin, SECOND by Green, that the property at 208-210 SW 16th Street be tabled until the first meeting in June. AYE: Sadler, Purcell, Shanklin, Beller, Green, Maples. NAY: Williams, Warren. MOTION CARRIED.

2. Hold a public hearing and consider an ordinance repealing Sections 18-1001 through 18-1032, Article 10, Chapter 18, Lawton City Code, 1995, and enacting a new ordinance relating to floodplain management regulations. Exhibits: Proposed Ordinance with changes marked (distributed separately); Summary of amendments; LMAPC Minutes of January 14, January 28, February 4, and February 11, 1998. (Ordinance No. 98-\_\_\_\_ final format on file in City Clerks Office)

Schumpert said he was shown as the initiator and the item was placed before the LMAPC at the request of the Council. He said when the floodplain management regulations were enacted, the appeals process was through the LMAPC. Background indicates the main purpose of the proposed ordinance is to place all regulations dealing with floodplain and storm water detention into the same chapter and streamline the appeals process. The Stormwater Drainage Appeal Board would be the sole appeal board and it would make a recommendation to the City Council, who would make the final decision. Notice of appeal would be published in the newspaper before the appeal is heard by the Stormwater Drainage Appeal Board. Schumpert said other changes were made due to changes in state and federal regulations; changes were also recommended by the LMAPC. He said the LMAPC recommendation is to not enact the ordinance, although they would prefer some changes, but LMAPC desires to remain as the body which serves as the appeal board. Staff recommendation is to enact the new ordinance.

Beller expressed concern that Council may not have had adequate time to review the information provided with the agenda folder. He said he spent a considerable amount of time on the document over the weekend and did not understand several provisions. He said he was also concerned that the LMAPC recommended denial of the ordinance so he called Charlie Young, LMAPC Vice Chairman, who felt there was a rush put on it by either staff or the City Manager. Beller asked Schumpert if there was any reason this could not be tabled tonight so a workshop could be held or a discussion with LMAPC. He said the LMAPC voted six to one to recommend that it not be enacted and that appeared to point out a problem somewhere. Beller said the ordinance mentions guidelines and asked if those had been misinterpreted to be mandates.

MOVED by Beller, SECOND by Maples, to table it for the second meeting in May. AYE: Beller, Maples, Williams. NAY: Sadler, Purcell, Shanklin, Green, Warren. MOTION FAILED.

Purcell said the rush was his fault, and not the City Manager. He said this started about five months ago when the LMAPC was asked to bring back one thing. Purcell said other provisions were then reviewed, but this was brought about because of a suit against the City when the appeals board made a decision, and the Council ended up being sued. He said the Council requested a change to allow the City Council to be the final authority on the appeal board, and we have dragged our feet and it has gone before LMAPC over and over and through the staff. Purcell said he kept asking when it would be brought back for Council to consider. He said he had been pushing the City Manager to get it back on the agenda for the Council to be the final appeal board, and the other changes came along with it. Purcell said the City Manager should not be blamed on a rush, but he could be blamed, and five months was long enough for LMAPC and staff to work on it and bring it back. Vincent said FEMA issued updated regulations on October 1, 1997, and those are included, as opposed to having a separate ordinance. Beller asked if there was confusion between guidelines and mandates.

Shanklin said he called at 3:15 p.m. today to ask the City Clerk if any Council person had been in to look at the final format of the ordinance, which was on file in her office, and there had not been. He said he could not figure out the changes and wanted to see all the documents. Discussion was held on having a workshop prior to Council considering the item in regular session. Sadler suggested this be done in April to avoid conflict with budget sessions. Maples said the new Ward One member should be part of the discussion.

MOVED by Shanklin, SECOND by Beller, to table it to the second meeting in May. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

Schumpert said the document in the City Clerks office is the ordinance in its final form, i.e., without strike overs and underlines. He said the information given to the Council shows the changes so they could be more clearly understood and the total impact fully shown. Schumpert said the only difference between the copies provided and the document in the City Clerks office is that one is shorter and shows none of the changes. He said the implication is that staff did not provide the ordinance because it may have additional language in it, and he could assure Council that it does not.

3. Consider a resolution amending the fee for appeals to the floodplain management regulations. Exhibits: Resolution No. 98-\_\_\_\_. (Companion document to Item #2)

MOVED by Williams, SECOND by Beller, to table the item until the second meeting in May. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

4. Consider adopting an ordinance amending Section 10-1001, Lawton City Code, 1995, providing for waiver of the engineering inspection fees and declaring an emergency. Exhibits: Ordinance No. 98-4.

Vincent said the ordinance was prepared at Council direction to consider not for profit organizations, government organizations, and public trusts eligible for a waiver on engineering fees to enhance economic development. The ordinance contains a definition of economic development.

Purcell asked the reason for the staff recommendation to not approve Council having the authority to waive the fees as it saw fit. Schumpert said the City Attorney attempted to style language to address the Council's concern by saying not for profit corporations but there could be questions as to what that actually would mean, making it subject to many interpretations.

Beller asked if a Masonic group would they be considered a not for profit group in this instance and if the fees would be waived. Vincent said Section 501C3 of the IRS Code is normally used as a standard, although there are other types of not for profit organizations, and the Masonic group is 501C3. Beller asked if it should include quasi-governmental entities, such as the Comanche County Industrial Development Authority. Vincent said there is not a definition of quasi-governmental and CCIDA is a 501C3, not for profit; he said inserting not for profit as defined by 501C3 as defined by the Internal Revenue Code would help clarify the situation but it may leave out certain groups.

Mayor Marley asked the reason for the concern since the Council will be the body granting the waiver. Vincent said it makes a difference under the Oklahoma Constitution in that the City cannot grant exceptions to non-governmental entities. Mayor Marley said the fact that a group would not qualify could be brought up when the waiver is requested. Purcell asked if staff would have recommended approval if it would have shown not for profit groups under 501C3. Schumpert said no because that leaves out some groups the Council may want to assist if they are undertaking economic development. Purcell suggested the language be removed and allow all the groups be allowed to request the waiver.

MOVED by Williams, SECOND by Beller, to adopt Ordinance No. 98-4, waive reading of the ordinance, reading the title only, and declaring an emergency.

(Title only) ORDINANCE NO. 98-4

AN ORDINANCE RELATING TO ENGINEERING INSPECTION FEES, AMENDING SECTION 10-1001, ARTICLE 10, CHAPTER 10, LAWTON CITY CODE, 1995, PROVIDING FOR WAIVER OF FEES AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

5. Consider a request to waive the engineering inspection fees for the Bar-S Sewer Line Project. Exhibits: Letter, LCCI, dated 2/1/98.

"Background: During the City Council meeting of 2/24/98, Council considered and deferred the request from the Lawton Chamber of Commerce and Industry to waive the engineering inspection fee of approximately \$6,639.42 for the Bar S Sewer Line Project. After further inquiry into this matter, it was determined that the organization which should receive the waiver of the engineering inspection fee is the Lawton Industrial Foundation. The ordinance considered earlier by the City Council, if approved, authorizes the City Council to grant the waiver to the Lawton Industrial Foundation."

MOVED by Purcell, SECOND by Williams, to approval waiving the engineering inspection fees. AYE: Green, Williams, Sadler, Purcell, Shanklin, Beller. NAY: Warren, Maples. MOTION CARRIED.

6. Consider approving an agreement between the City and John Veal as Executive Director of the Southwest Region Minority Business Opportunity Committee. Exhibits: Agreement.

MOVED by Green, SECOND by Beller, to approve the agreement retaining services of Mr. John Veal as executive director of MBOC. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

Addendum:

1. Consider extending the closing date in the Contract for Sale of Real Property between the City and Chung Graham for the purchase of the property at 631 SW "D" Avenue, Lawton, Oklahoma, from March 30, 1998, to April 30, 1998. Exhibits: Letter from Seller requesting extension.

Schumpert said Ms. Graham made this request indicating it would take an additional 30 days to liquidate the inventory and vacate the building. He said this would not cause a problem for the City and recommendation was to approve the request.

MOVED by Beller, SECOND by Purcell, to approve the request.

SUBSTITUTE MOTION by Warren, SECOND by Williams, to table this request. AYE: Williams, Shanklin, Warren. NAY: Maples, Sadler, Purcell, Beller, Green. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

Shanklin asked if he had been told Ms. Graham did not object to waiting until the next budget year. Williams said her attorney stated she was in no hurry to vacate the building and was not in a hurry to be paid for it.

#### CONSENT AGENDA:

7. Consider the following damage claims recommended for denial: Willie Roby and Lieselotte and William Crabtree. Exhibits: Legal Opinion/Recommendation. Action: Denial of claims.

8. Consider the following damage claims recommended for approval and consider passage of the resolutions authorizing the City Attorney to file friendly suits for claims which are over \$400.00: Lt. William Greer; Winnie Annette Lee; Kevin D. and Angela R. Adams; Diana K. Taylor and Ricky Ward; Eddie and Delores Walker. Exhibits: Legal Opinions/Recommendations. Claims approved: Greer - \$45.00; Lee - \$45.00; Adams - \$214.00

(Title only) RESOLUTION NO. 98-41

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST DIANA K. TAYLOR AND RICKY WARD IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF FOUR HUNDRED SIXTY AND NO/100 DOLLARS (\$460.00).

(Title only) RESOLUTION NO. 98-42

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST EDDIE AND DELORES WALKER IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED OF EIGHT HUNDRED EIGHTY-NINE DOLLARS AND 05/100S (\$889.05).

9. Consider a resolution authorizing the installation and/or removal of traffic control devices at specified locations. Exhibits: Resolution No. 98-43; Excerpt from 2/19/98 Traffic Commission Draft Minutes .

(Title only) RESOLUTION NO. 98-43

A RESOLUTION AUTHORIZING THE INSTALLATION AND/OR REMOVAL OF TRAFFIC CONTROL DEVICES AT CERTAIN DESIGNATED LOCATIONS WITHIN THE CITY OF LAWTON, OKLAHOMA. Locations: Stop sign at intersection of Hill Top Drive and Mockingbird; Children at Play signage at Wilson Park, 2100 block of NW Columbia; Remove 2 Hour Parking sign for four spaces along north side of 500 block of SW A Avenue; Install Loading Zone signage for four spaces along north side of 500 block of SW A Avenue.

10. Consider denying a request for installation of traffic control devices at specified locations. Exhibits: Excerpt from 2/19/98 Traffic Commission Draft Minutes. Action: Deny request to install stop sign at SW 5th and Park.

11. Consider ratifying the action of the Lawton Water Authority approving a lease of the mineral interest for a 25 acre tract of land located on the northwestern edge of Lake Ellsworth in Caddo County to the most responsive bidder and authorize the Mayor and City Clerk to execute the lease documents. Exhibits: None. Action: Ratify LWA action to approve item.

12. Consider ratifying the action of the Lawton Water Authority authorizing the Mayor and City Clerk to execute documents donating two permanent easements totaling 5.62 acres of new right of way and two temporary easements totaling 0.22 acres to the Oklahoma Department of Transportation for the construction of US 62 west of Lake Ellsworth. Exhibits: None. Action: Ratify LWA action to approve item.

13. Consider transferring funds to purchase property at 631 SW "D" Avenue. Exhibits: Transfer Summary. Action: Approval of transfer of funds (division and amounts listed in folder).

ITEM 14 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

15. Consider acknowledging receipt of a permit and amended permit for the construction of sanitary sewer lines



from the Oklahoma State Department of Environmental Quality to serve the Bar-S Plant, Comanche County, Oklahoma. Exhibits: None. Action: Acknowledge receipt of permit and amended permit as stated. Background: On 1/14/98 the City was granted Permit No. SL000016970973 for construction of 2,329 lf of 15" PVC sewer line, plus 3,079 lf of 12" PVC force main, plus one 1,327 GPM sewage pump station and all appurtenances to serve the Bar-S Plant. On 2/4/98 an amended permit was granted for construction of Alternate #1 which includes 1,185 lf of 18" sanitary sewer main with appurtenances and Alternate #2 which includes 3,009 lf of 24" plus, 1,185 lf of 18" sanitary sewer main with appurtenances to serve the Bar-S Plant.

16. Consider accepting Phase I of a sewer main improvement subject to a condition, a surety in lieu of completed improvements, and a maintenance bond for the sewer which will serve the Bar-S Plant. Exhibits: Location Map; Memorandum from Engineering Division. Action: Accept Phase I of the sewer facilities for the Bar-S Plant subject to submission of the deflection test showing that the deflection does not exceed five percent, the surety in lieu of completed improvements, and the maintenance bond.

17. Consider approving the plans and specifications for the relocation of the storm sewer at the northeast corner of NW Sheridan Road and Ferris Avenue. Exhibits: Location Map. Action: Approval of item.

ITEM 18 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Consider awarding a construction contract for the Central Fire Station Vehicle Exhaust Ventilation System Project 98-3 to Air Cleaning Technologies, Inc. in the amount of \$48,672.00. Exhibits: Bid Tabulation of 2/24/98; Location Map. Action: Approval of item.

20. Consider accepting the Council Heights Addition Waterline Project 97-21 as constructed by Kent Waller Construction and placing the maintenance bond into effect. Exhibits: Location Maps. Action: Acceptance of project and placing maintenance bond into effect .

21. Consider accepting the Lake Lawtonka Dam Hand Rail Project 97-19 as constructed by Big Bobs. Exhibits: None. Action: Acceptance of project.

22. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an agreement with the Oklahoma Department of Transportation (ODOT) for an ODOT Capital Improvement Project. Exhibits: Resolution No. 98-44; Location Map.

(Title only) RESOLUTION NO. 98-44

A RESOLUTION WHEREBY THE CITY COUNCIL OF LAWTON, OKLAHOMA, AUTHORIZES THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF LAWTON, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR AN ODOT CAPITAL IMPROVEMENT PROJECT UNDER PLANS AND SPECIFICATIONS FOR STATE PROJECT NO. CIP-116A(024)IP, STATE JOB NO. 17191(04) IN ACCORDANCE WITH THE TERMS AND TENOR OF 69 O.S. 1991, SECTIONS 1205, 1206, 1401 AND 1403.

23. Consider amending Council Policy No. 8-2, "Requests for Median Openings and Turn Bays", dated August 13, 1996. Exhibits: Amended Council Policy No. 8-2. Action: Amend policy. (Amendment clarifies the requestors avenue for appeal once the Public Works/Engineering Director has denied a median opening and/or turn bay request.)

24. Consider approving contract for the Arts For All Festival. Exhibits: None. Action: Approval of item.

25. Consider an agreement between the City of Lawton and the Board of County Commissioners of Comanche County for library services to Comanche County residents. Exhibits: Agreement. Action: Approval of agreement. (County will provide \$41,424)

26. Consider entering into a contract with Ms. Louise L. Ratcliff for fire protection outside the Lawton city limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

27. Consider approving an amendment to an agreement between the City and the Lakeland Addition Homeowners Association, Inc. and authorize execution of said amendment. Exhibits: Amendment. Action: Approval of amendment.

28. Consider awarding contract for dump trucks. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract for 24,000 GVW dump truck to H.D. Copeland International Trucks, Inc., and 50,000 GVW dump truck to Chief Truck & Equipment Center, and authorize execution.

29. Consider awarding contract for emergency traffic control system. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Consolidated Traffic Controls, Inc. and authorize execution.

ITEM 30 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

31. Consider awarding contract for library automation system. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Ameritech Library Services and authorize execution.
32. Consider awarding contract for facial composite software. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to ImageWare Software and authorize execution.
33. Consider awarding contract for refuse containers. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Wastequip Teem and authorize execution.
34. Consider amending contract for temporary workers. Exhibits: Amendment to Contract. Action: Approval of amendment to contract. (Amendment provides that the City agrees to assume liability for any accidents and resulting injuries caused by the operation of City vehicles and equipment. Direct Staffing agrees to reduce the hourly rate for all worker categories by .10 per hour.)
35. Consider extending contract for vehicle striping kits. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Tuxall of Oklahoma City through 2/28/99 at same terms.
36. Consider extending contract for police vehicle equipment. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Tuxall of Oklahoma City through 4/30/99 at same terms.
37. Consider extending contract for hydraulic pump and cylinder repair. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Extend contract with Hannon Hydraulic, Inc. through 4/30/99 at same terms.
38. Mayors Appointments. Exhibits: None.

Building Development Appeal Board: David A. Nottingham, Commercial Building Owner, Term: 3/10/98 to 3/10/2000

39. Consider approval of payroll for the period of March 9 through March 22, 1998.

Shanklin asked that Items 18 and 30 be considered separately. Green asked that Item 14 be considered separately.

MOVED by Purcell, SECOND by Williams, for approval of the Consent Agenda Items as recommended with the exception of Items 14, 18 and 30. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples, Williams. NAY: None. MOTION CARRIED.

14. Consider approving a proposed contract between the Oklahoma Highway Safety Office and the City of Lawton for a speed enforcement/seat belt/child restraint project. Exhibits: Contract.

Green said she thought the citizens would like to have information on what was taking place in this item. She said the goals and accident percentage and injuries should be presented, as well as personnel and equipment identification. Efforts will be made by the news media to assist.

MOVED by Green, SECOND by Purcell, to approve the item. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

18. Consider awarding a construction contract for the Sewerline Maintenance Project 98-2 to S.M. Burk Mechanical in the amount of \$183,875.00. Exhibits: Bid Tabulation.

Shanklin said Purcell had expressed concern some time ago about the engineers estimate being made available to the bidders. He asked if the firms were given the engineers estimate when they bid. Jerry Ihler, Public Works/Engineering Director, said no. Shanklin said it is almost impossible to come up with the figures shown. Ihler said the engineers estimates are sealed and submitted prior to the bid opening.

MOVED by Shanklin, SECOND by Williams, to approve the item. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

30. Consider awarding contract for crane services. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation.

Shanklin asked where the cranes would be used. Ihler said at the wastewater treatment plant, mainly for pulling pumps. Shanklin asked if the contractor would be using this for the plant expansion. Ihler said no, if he used them, he would have to pay for them. Shanklin asked if there is a specific need for any of the crane work right now. Williams said it is an on-going need. Shanklin said his concern was that the City not furnish the crane for the \$17

million expansion project.

MOVED by Shanklin, SECOND by Williams, to approve award of the contract to Eddie Johnsons Welding and Machine Company and authorize execution. AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

#### BUSINESS ITEMS:

40. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1998-1999 between the Police Union, IUPA, Local 24, and the City of Lawton. Exhibits: None.

41. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1998-1999 between the Fire Union, IAFF, Local 1882, and the City of Lawton. Exhibits: None.

42. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending litigation styled Thomas Michael Dewey v. The City of Lawton, Case No. CJ-96-485, filed in the District Court of Comanche County, State of Oklahoma, and in open session, consider approving a professional services agreement between the City of Lawton and James R. Wendelken. Exhibits: None.

MOVED by Williams, SECOND by Warren, to convene in executive session as recommended and shown on the agenda. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:30 p.m. and reconvened in regular, open session at 8:25 p.m. with roll call reflecting all members present.

Vincent reported that Item 40 was a discussion of the status of negotiations with the IUPA police union and that no action is needed in open session. Vincent reported that Item 41 was a discussion of the status of negotiations with the IAFF fire union and that no action is needed in open session.

Vincent reported that on Item 42, the City Attorneys office recommends employment of Dr. Wendelken as an expert witness in the Dewey case.

MOVED by Williams, SECOND by Purcell, to approve employment of Dr. Wendelken as an expert witness in the Dewey case. AYE: Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

#### REPORTS: MAYOR/CITY MANAGER/CITY COUNCIL.

Mayor Marley reported the Attorney General will present a seminar on the Open Meeting and Open Records Laws on Monday, March 16 at 1 p.m. at Great Plains Area Vo Tech.

Shanklin asked what Account 35 was and what it consisted of. Schumpert said Fund 35 contains items which have been approved in the budget that are carry over items to handle projects that go beyond a budget year, and that a current listing could be provided. Shanklin asked where it is shown in the budget. Schumpert said he thought it may be in city at large but was not certain of that answer and would check. Shanklin said that is where Schumpert said the asbestos funding was located. Schumpert agreed and said he needed to publicly correct himself because he thought it was in there last year and that he was wrong. Schumpert said he had asked Mr. Fisher to provide an engineers estimate of that cost and that the funding is not included in the budget.

Mayor Marley announced election results as follows: Mayors race, Powell 6,150; Ussery 366; Kennedy 3,821. Proposition 1 Charter Change: 6,019 in favor, and 3,219 opposed. Proposition 2 Sales Tax Issue: 3,996 in favor; and 6,278 opposed.

Purcell said he requested an agenda item for the next meeting to discuss the Sentinel Program and take appropriate action, although that action may be in the budget cycle. He said based on the election results, he would bring an agenda item back at the next meeting to come up with necessary funding and start collecting it as a utility increase. Shanklin said he did not think that should be discussed until the budget is presented. Purcell said if an alternative can be found to raising the millions of dollars needed in the next 21 years, he would be glad to hear it.

Schumpert said the bank card system is operational in municipal court and \$9,800 in fines had been collected in three months through use of credit cards.

There was no further business and the meeting adjourned at 8:30 p.m.

